

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:06-cr-231-1BO

No. 5:08-CR-10-1

MARION LOUISE BARRINGER,)
)
Petitioner,)
)
v.)
)
UNITED STATES)
)
Respondent.)
_____)

ORDER

This matter is before the Court on Petitioner's Motion for Credit of Time Served and the Government's Motion to Dismiss. Petitioner's Motion is GRANTED and the Government's Motion is DENIED.

FACTS

On July 9, 2007, Petitioner pleaded guilty to three counts of bank robbery and aiding and abetting in connection with the with the BB&T bank in Benson, North Carolina, the First Citizens Bank in Wilmington, North Carolina, and the BB&T Bank in Dunn, North Carolina in the indictment. (North Carolina bank robberies - D.E. #38). On January 8, 2008, Petitioner executed a consent to transfer jurisdiction form (Rule 20) from the District of Vermont, in which Petitioner had been indicted by a grand jury for another bank robbery. On February 12, 2008, Petitioner pleaded guilty to the Vermont bank robbery.

On March 17, 2008, the Court sentenced Petitioner to 60 months' imprisonment, three years of supervised, \$8108 in restitution, and a special assessment of \$400. At the conclusion of


the hearing the Court ordered that Petitioner received credit for time served awaiting imposition of sentence. (Tran. Mar. 17, 2008, sentencing hearing).

Petitioner is currently in Massachusetts custody for convictions for unarmed robbery, armed robbery, and attempted larceny. On November 23, 2010, Petitioner filed the instant motion seeking that the Court issue an order running the federal sentence concurrent to her state sentence.

CONCLUSION

The Court has already granted the motion of Petitioner's co-defendant, Patrick Daniel Mackey, for credit toward his time served in state custody. Mr. Mackey was convicted of substantially similar state and federal charges involving similar facts as the Petitioner. Accordingly, Petitioner's Motion is Granted. The Clerk's Office is ORDERD to inform the Bureau of Prisons that Petitioner's state and federal sentences are to run concurrently.

SO ORDERED, this 22 day of September, 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE